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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
KELLY THOMAS, )  
 )  
Defendant. )

Criminal No. CR 09-0379 MHP

**STIPULATION AND ~~PROPOSED~~  
ORDER EXCLUDING TIME**

The above-captioned matter came before the Court on May 4, 2009, for initial appearance. The defendant was represented by Rita Bosworth, Esq., and the government was represented by Ben Tolkoff, Assistant United States Attorney. The matter was continued to June 29, 2009, at 10:00 a.m. for trial setting.

The Court made a finding that the time from and including May 4, 2009, through and including June 29, 2009, should be excluded under the Speedy Trial Act, 18 U.S.C.

§ 3161(h)(7)(A), because the ends of justice served by taking such action outweighed the best

1 interest of the public and the defendant in a speedy trial. The finding was based on the need for  
 2 the defendant to have reasonable time necessary for effective preparation and for continuity of  
 3 counsel pursuant to 18 U.S.C. § 3161(h)(7)(B)(iv).

4 The parties hereby agree to and request that the case be continued until June 29, 2009,  
 5 and that the exclusion of time until then be granted. The parties agree and stipulate that the  
 6 additional time is appropriate and necessary under Title 18, United States Code, § 3161(h)(7)(A),  
 7 because the ends of justice served by this continuance outweigh the best interest of the public and  
 8 the defendant in a speedy trial. This time exclusion will allow defense counsel to effectively  
 9 prepare, taking into account the exercise of due diligence, and will provide for continuity of  
 10 counsel for the defendant.

11  
 12 DATED: 5/5/2009

13 /s/  
 14 RITA BOSWORTH  
 15 Counsel for Kelly Thomas

16 DATED: 5/5/2009

17 /s/  
 18 JEFFREY R. FINIGAN  
 19 Assistant U.S. Attorney

20 So ordered.

21 DATED: May 6, 2009

